IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

APPEAL FROM ORDER NO.1037 OF 2002
IN
SNOTICE OF MOTION NO.5048 OF 2001
IN
L.C.SUIT NO.5889 OF 2001

Gopal Ramcharan Sharma)..Appellant

Versus

Municipal Corporation of Greater Bombay)..Respondents

Ms.Vidya Manjrekar i/b.Mr.P.M.Havnur for the Appellant.

Mr.J.Xavier for the Respondents.

CORAM: SMT.NISHITA MHATRE, J.

DATED: 1ST NOVEMBER 2004

P.C.:

. While admitting the present Appeal From Order, this Court had granted interim relief in terms of prayer clause (a) whereby the Respondents were restrained from acting upon the impugned orders issued under Section 351 of the Bombay Municipal Corporation Act. Rather than hearing the present Appeal From Order, in my view it would be appropriate to expedite the hearing of the Suit. A grievance is made by the learned Advocate for the Appellant that the sanctioned plans have not been produced by the Respondents. However, she is enable to produce any document on record to show that these plans were asked for by the Appellant from the Corporation and

that the Corporation has refused the same. In the event the Appellant still requires the sanctioned plans to be produced before the Court, it is always open for the Appellant to make such an application before the trial Court who may pass appropriate orders on that application when made.

2. Hearing of the Suit expedited. The interim relief which has been continuing since 7th July 2003 shall be continued pending the hearing of the Suit. The trial Court is requested to dispose of the Suit by 31st December 2005.

3. Appeal From order disposed of accordingly.

4. In view of the disposal of the Appeal From Order, nothing survives in Civil Application No.1355 of 2002 and the same is disposed of accordingly.